

TO:

UNITED STATES DISTRICT COURT JUDGE,
HONORABLE JUDGE, AUDREY G. FLEISSIG

RECEIVED

SEP 05 2018

BY MAIL

RE: CASE NO: 4:14-CV-00411-AGF (WILLIAMS V. WALLACE/MINOR), THIS
CONCERNS FILING A MOTION TO COMPEL AND PRESENTING (SHOWING) EVIDENCE
OF INNOCENCE AND SHOWING THE COURT THE FULL SCALE OF A CONSPIRACY OF
A LAW ENFORCEMENT AGENCY USING FALSE EVIDENCE AND CAN A WRIT BE ISSUED
WITHOUT A PETITION IF THAT EVIDENCE IS RIGHT IN FRONT OF YOU. SHOWING
THE COURT THAT BOTH CASES ARE CONNECTED TO ONE ANOTHER

DEAR HONORABLE JUDGE, FLEISSIG,

I THANK YOU FOR GIVING ME THE OPPORTUNITY TO PRESENT MY
CASE AT AN EVIDENTIARY HEARING WHICH IS NOW SCHEDULED FOR OCTOBER 11, 2018 AT 10:00 am
BUT I DO HAVE CONCERNS. IN YOUR MARCH 20, 2018 ORDER, YOU STATED: "I WILL BE ABLE TO
AND HAVE THE OPPORTUNITY TO SHOW THE COURT THAT A CONSPIRACY EXISTED BETWEEN LAW ENFORCEMENT
OFFICIALS TO FALSIFY DNA ANALYSIS AND RESULTS". "I" AM ABLE TO DEMONSTRATE TO THIS COURT
THAT A CONSPIRACY EXISTED BUT I DONT KNOW IF MY ATTORNEY MR. SWIEGICKI IS ABLE BECAUSE
FOR ONE HIS OFFICE IS IN CHESTERFIELD AND I HAVE BEEN TRYING TO GET MY ATTORNEY TO "COMPEL"
THE RESPONDENT TO PRODUCE THE CLAIMED "SINGLE PHOTOGRAPH WITH WITNESS SIGNATURE ON THE BACK"
IN CASE NO: 10SL-CR09241 (CHESTERFIELD POLICE DEPARTMENT)...CHESTERFIELD POLICE DEPARTMENT
IS A PART OF THE CONSPIRACY AND IS MENTIONED IN THE NEWLY DISCOVERED EVIDENCE DOCUMENTS AS
THE "SECOND AGENCY" IN THE CASE ABOVE (4:14-CV-00411-AGF). MY REASONS FOR STATING THIS IS
AS FOLLOWS:

*ALL DOCUMENT(S)/EVIDENCE ATTACHED HERE-TO ARE ALSO IN THE APPELLANT'S APPENDIX AND/OR
FILED IN THE U.S. APPEALS/U.S. DISTRICT COURT.....

- 1). CHESTERFIELD POLICE DEPARTMENT IS A PART OF THE "CONSPIRACY", THEY (CHESTERFIELD POLICE DEPARTMENT) IS THE "SECOND AGENCY" WHO TOWN AND COUNTRY POLICE DEPARTMENT AND ALSO ST. LOUIS COUNTY CRIME LAB ANALYST TOLD TO

COME AND GET AN "ADDITIONAL BUCCAL SWAB SAMPLE FROM PETITIONER INORDER TO FALSIFY DNA ANALYSIS AND RESULTS AS DESCRIBED IN THE NEWLY DISCOVERED EVIDENCE DOCUMENTS ATTACHED TO PETITIONER'S TRAVERSE AND MEMORANDUM (SEE EXHIBIT #6, pg. 12 AND EXHIBIT #12, pg. 18 ATTACHED HERE-TO)

2). INORDER TO HAVE REASON(S) TO OBTAIN THE "ADDITIONAL BUCCAL SWAB SAMPLE" FROM PETITIONER TO HELP "CONSPIRE" WITH TOWN AND COUNTRY POLICE DEPARTMENT AND ALSO ST. LOUIS COUNTY CRIME LAB, CHESTERFIELD POLICE DEPARTMENT USED "FALSE INFORMATION AND EVIDENCE" CLAIMING THAT: "WITNESS, VICTORIA PLUMA IDENTIFIED PETITIONER IN A PHOTO LINEUP AS FOLLOWS:

A). CHESTERFIELD POLICE DEPARTMENT STATES THAT A PHOTO LINEUP WAS PREPARED USING REGIS. PETITIONER IS PHOTO #1, TRACKING NUMBER #41186542 (SEE EXHIBIT #1, pg. 7 ATTACHED HERE-TO)..

*THEN CHESTERFIELD POLICE DEPARTMENT CLAIMS THAT:

B). PHOTO'S WERE PRINTED OUT AND CUT INTO INDIVIDUAL PHOTO'S SO THEY CAN BE PLACED IN RANDOM ORDER, CLAIMING THAT PETITIONER'S PHOTO IS "NOW" IN THE PHOTO #4 POSITION (SEE EXHIBIT #2, pg. 8 ATTACHED HERE-TO)

*THEN CHESTERFIELD POLICE DEPARTMENT STATES IN DOCUMENT THAT:

C). OFFICER HERNANDEZ EXPLAINED THE LINEUP PROCESS TO WITNESS PLUMA AND THEN OFFICER HERNANDEZ "CLAIMED" TO SHOW WITNESS PLUMA EACH PHOTO INDIVIDUALLY AND ONE AT A TIME.

AFTER VIEWING THE PHOTO'S, WITNESS IDENTIFIED PHOTO #4 (ANDRE WILLIAMS) AND OFFICER HERNANDEZ HAD WITNESS PLUMA "SIGN AND DATE THE BACK OF PHOTO #4" INDICATING HER IDENTIFICATION (SEE EXHIBIT #3, pg. 9 ATTACHED HERE-TO)

* NOW COMES THE SECOND PART OF THE REASON CHESTERFIELD POLICE DEPARTMENT USED TO ACTUALLY OBTAIN THE "ADDITIONAL BUCCAL SWAB SAMPLE FROM PETITIONER" INORDER TO "CONSPIRE" WITH TOWN AND COUNTRY POLICE DEPARTMENT AND ALSO ST. LOUIS COUNTY CRIME LAB TO FALSIFY DNA ANALYSIS AND REPORTS AS DESCRIBED IN THE NEWLY DISCOVERED EVIDENCE DOCUMENT(S) (EXHIBIT #6, pg. 12 AND EXHIBIT #12, pg. 18) THAT SHOWS THAT A "SECOND AGENCY" IS NEEDED WHICH

IS CHESTERFIELD POLICE DEPARTMENT, TO OBTAIN THE "ADDITIONAL BUCCAL SWAB SAMPLE.

- 3). CHESTERFIELD POLICE DEPARTMENT GOES TO COLLECT "DNA EVIDENCE" (THIS COLLECTION OF DNA EVIDENCE WAS ONLY DONE TO OBTAIN AN "ADDITIONAL BUCCAL SWAB SAMPLE FROM PETITIONER) NOT AT THE HARDEE'S WHERE THE CRIME OCCURRED BUT AT THE OLD SPAGHETTI FACTORY WHICH IS 70-100 YDS ACROSS THE "MAIN ENTRANCE AND A VERY LONG DISTANCE FROM HARDEE'S WHERE THE CRIME HAD OCCURRED. CHESTERFIELD POLICE DEPARTMENT KNEW THAT THIS WAS A "PUBLIC PLACE AND AREA USED BY CUSTOMERS" BUT COLLECTED A EMPTY CAN OF SPARKS PREMIUM MALT BEVERAGE AND SEVERAL CIGARETTE BUTTS CLAIMING THAT THE SUSPECT COULD HAVE USED THAT AREA AS A VANTAGE POINT (BUT NEVER STATES THAT THE MALT BEVERAGE CAN AND CIGARETTE BUTTS WERE LEFT BY THE SUSPECT) (SEE EXHIBIT #4, pg. 10 ATTACHED HERE-TO)

- A). NOW CHESTERFIELD POLICE DEPARTMENT SENDS THE COLLECTED DNA EVIDENCE (MALT BEVERAGE CAN AND CIGARETTE BUTTS) TO THE CRIME LAB KNOWING THAT THE EVIDENCE WAS COLLECTED IN A "PUBLIC PLACE AND AREA USED BY CUSTOMERS OF THE OLD SPAGHETTI FACTORY (EXHIBIT #4, pg. 10) AND NOW THE CRIME LAB RULES THAT THE EVIDENCE COULD NOT BE ENTERED INTO CODIS BECAUSE IT (THE DNA EVIDENCE COLLECTED) WAS FOUND IN A PUBLIC PLACE AND BECAUSE THE EVIDENCE COULD NOT BE ENTERED INTO CODIS, THIS GIVES THE CRIME LAB THE AUTHORITY TO RECOMMEND TO CHESTERFIELD POLICE DEPARTMENT TO OBTAIN THE "ADDITIONAL BUCCAL SWAB SAMPLE NEEDED FROM PETITIONER" INORDER TO FALSIFY DNA ANALYSIS AND RESULTS AS DESCRIBED IN THE NEWLY DISCOVERED EVIDENCE DOCUMENTS. (PETITIONER HAD ALREADY SUBMITTED A BUCCAL SWAB SAMPLE TO THE CRIME LAB OF ST. LOUIS COUNTY ON DECEMBER 31, 2009) (SEE EXHIBIT #5, pg. 11; EXHIBIT #12, pg. 18 AND EXHIBIT #13, pg. 19 ATTACHED HERE-TO)

- B). ON NOVEMBER 5, 2010, CHESTERFIELD POLICE DEPARTMENT, DETECTIVE, SIMPSON CAME TO SOUTHEAST CORRECTIONAL CENTER AND OBTAINED THE "ADDITIONAL BUCCAL SWAB SAMPLE FROM PETITIONER AS RECOMMENDED BY THE CRIME LAB AND AS STATED IN THE NEWLY DISCOVERED EVIDENCE DOCUMENTS (EXHIBIT #12, pg. 18) INORDER TO "CONSPIRE" WITH TOWN AND COUNTRY POLICE DEPARTMENT AND ALSO ST. LOUIS COUNTY CRIME LAB (SEE EXHIBIT #6, pg. 12 ATTACHED HERE-TO)

*

A CAREFUL REVIEW OF THE ST. LOUIS COUNTY EVIDENCE SHEET "REVEALS" THAT

THE DNA SAMPLE COLLECTED FROM PETITIONER BY ~~CHESTERFIELD~~ POLICE DEPARTMENT, DETECTIVE, SIMPSON WAS TO BE USED FOR DNA CASE #09-D260 WHICH IS TOWN AND COUNTRY POLICE DEPARTMENT (SEE EXHIBIT #6, pg. 12 AT THE BOTTOM OF THE DOCUMENT WHERE PETITIONER HIGHLIGHTED)

- 4).
- THERE NEVER WAS A "SINGLE PHOTOGRAPH WITH WITNESS SIGNATURE AND DATE ON THE BACK" AS CLAIMED BY CHESTERFIELD POLICE DEPARTMENT IN THE POLICE REPORT AND BY THE PROSECUTOR AT THE GUILTY PLEA HEARING (SEE EXHIBIT #7, pg. 13 AND EXHIBIT #8, pg. 14 ATTACHED HERE-TO)
- A).
- ON AUGUST 2, 2017, PETITIONER SENT A REQUEST TO ST. LOUIS COUNTY PROSECUTING ATTORNEY'S OFFICE FOR THE "SINGLE PHOTOGRAPH WITH WITNESS SIGNATURE AND DATE ON THE BACK" IN CASE NUMBER #10SL-CR09241, PETITIONER SENT REQUEST PURSUANT TO MISSOURI SUNSHINE LAW, CHAPTER 610.RSMo (SEE EXHIBIT #9, pg. 15 ATTACHED HERE-TO)
- B).
- ON AUGUST 7, 2017, ST. LOUIS COUNTY PROSECUTING ATTORNEY'S OFFICE RESPONDED TO PETITIONER'S MISSOURI SUNSHINE LAW REQUEST AND STATED:

ON AUGUST 4, 2017, THIS OFFICE RECIEVED YOUR LETTER PURPORTING AS A "SUNSHINE LAW" REQUEST FOR A PHOTOGRAPH REFERRED TO IN THE POLICE REPORT AND AT YOUR PLEA OF GUILTY. PURSUANT TO MY APPOINTMENT AS ACTING CUSTODIAN OF RECORDS, I HAVE CONDUCTED A REVIEW OF OUR RECORDS AND EVIDENCE. [NO SUCH PHOTOGRAPH IS CONTAINED IN OUR RECORDS AND WE HOLD NO SUCH EVIDENCE] (SEE EXHIBIT #10, pg. 16)

*

AS PETITIONER HAS SHOWN, THIS CASE WAS ABOUT OBTAINING AN "ADDITIONAL BUCCAL SWAB SAMPLE FROM PETITIONER TO CONSPIRE TO FALSIFY DNA EVIDENCE

*

PETITIONER HAS BEEN TRYING TO GET THE RESPONDENT, STATE OF MISSOURI

TO "DISCLOSE THE SINGLE PHOTOGRAPH WITH WITNESS SIGNATURE AND DATE ON THE BACK SINCE "2012".....AT ONE POINT THE SENTENCING COURT JUDGE RULED THAT: "A CLAIM THAT COUNSEL WAS INEFFECTIVE FOR FAILING TO FILE AND LITIGATE A MOTION TO SUPPRESS STATEMENTS WOULD NOT BE COGNIZABLE... PETITIONER'S MOTION WAS ABOUT DISCLOSING PHOTOGRAPHS AND "NOT" ABOUT SUPPRESSING STATEMENTS (SEE EXHIBIT #11, pg.17 ATTACHED HERE-TO) THAT ALSO INCLUDES "ALL" THE DOCUMENT(S) PETITIONER HAS FILED OVER THE YEARS TRYING TO GET THE RESPONDENT, STATE OF MISSOURI TO DISCLOSE THE "SINGLE PHOTOGRAPH WITH WITNESS SIGNATURE AND DATE ON THE BACK" IN CASE NUMBER #10SL-CR09241.....

*

RESPONDENT, STATE OF MISSOURI HAS EVEN WENT TO THE POINT OF TRYING TO "CHANGE THE CASE NUMBER" FROM CASE NUMBER #10SL-CR09241 TO CASE NUMBER #10SL-CR0890241 BY ADDING THE NUMBER (8)(SEE EXHIBIT #14, pg.20 WHERE IT SHOWS THE DIFFERENT CASE NUMBERS HIGHLIGHTED....

THE QUESTION PETITIONER IS ASKING YOU YOUR HONOR, IS:

- 1). IF THERE IS EVIDENCE OF INNOCENCE RIGHT IN FRONT OF YOU FROM A CASE THAT IS NOT BEING PRESIDED OVER BY ANYONE AND THAT CASE IS OBVIOUSLY CONNECTED TO THE CASE YOU ARE PRESIDING OVER, DOES THE HABEAS COURT HAVE THE POWER TO ISSUE A WRIT WITHOUT A PETITION AND OVERTURN THAT CONVICTION AS WELL BASED ON THE EVIDENCE PRESENTED AND THE EVIDENCE IN THE CASE YOU ARE PRESIDING OVER THAT "SHOWS" THE CONNECTION BETWEEN THE TWO (2) CASES?
- 2). IF YOU HAVE EVIDENCE AND REASON TO BELIEVE THAT A INNOCENT PERSON IS INCARCERATED AND THE RESPONDENT, STATE OF MISSOURI HAS FAILED TO DISCLOSE EVIDENCE OVER THE YEARS AND THIS DISCLOSURE WOULD AIDE IN PROVING THAT A LAW ENFORCEMENT AGENCY IS PART OF A CONSPIRACY TO FALSIFY INFORMATION AND EVIDENCE INORDER TO OBTAIN A "DNA SAMPLE" FROM A PETITIONER TO HELP OTHER LAW ENFORCEMENT AGENCIES FALSIFY DNA ANALYSIS AND RESULTS, WOULD YOU GRANT THE PETITIONER A SUBPOENA TO HAVE THE DOCUMENTS/EVIDENCE DISCLOSED?

3). IF YOU HAVE REASON TO BELIEVE THAT A PETITIONERS COUNSEL WILL NOT, DID NOT REQUEST OR SUBPOENA EVIDENCE THAT YOU HAVE FIRST HAND KNOWLEDGE OF AND COULD PROVE THAT A "CONSPIRACY" EXISTED, WOULD YOU ALLOW THAT PETITIONER TO SUBPOENA THE DOCUMENT/EVIDENCE (SINGLE PHOTOGRAPH), SINCE YOU HAVE KNOWLEDGE OF THE CIRCUMSTANCES?

BASICALLY, PETITIONER IS BETWEEN A ROCK AND A HARD PLACE. I AM TRYING MY BEST TO GET THE EVIDENCE I NEED TO PROVE MY INNOCENCE AND THAT A CONSPIRACY EXISTED THAT CONCERNS CHESTERFIELD POLICE DEPARTMENT FALSIFYING INFORMATION AND EVIDENCE INORDER TO OBTAIN A "DNA SAMPLE" FROM PETITIONER INORDER TO CONSPIRE WITH TOWN AND COUNTRY POLICE DEPARTMENT AND ALSO ST. LOUIS COUNTY CRIME LAB TO FALSIFY DNA ANALYSIS AND REPORTS. I AM 100% SURE THAT MY COUNSEL IS NOT AND HAS NOT REQUESTED THE "SINGLE PHOTO WITH WITNESS SIGNATURE AND DATE ON THE BACK" IN CASE NUMBER #10SL-CR09241 BECAUSE HE (MY COUNSEL) IS OUT IN CHESTERFIELD....SO PLEASE YOUR HONOR, I REQUEST THAT YOU "DO NOT" RULE ON THE ABOVE CASE AS OF NOW AND LET ME HAVE MY DAY IN COURT TO PROVE THAT A CONSPIRACY EXISTED AS I HAVE PROVEN TO YOU BY WAY OF THE DOCUMENTS AND EVIDENCE ATTACHED HERE-TO)...

*
A RESPONSE IS REQUESTED

RESPECTFULLY SUBMITTED,

Andre Williams Sr.

ANDRE WILLIAMS SR. #525828
MOBERLY CORRECTIONAL CENTER
HOUSING UNIT-1C; CELL-#193
PO BOX-7
MOBERLY, MISSOURI, 65270

EXHIBIT #1=====➡

ADDITIONAL PARTY INFORMATION

Person Role(s) REPORTING PARTY

Person Information

Last Name	PARKHURST	Middle Name	SUZETTE
First Name	TAMARA	Suffix Name	
SSN	307-78-5378	Ethnicity	NOT OF HISPANIC ORIGIN
License Number	J050050002	License State	MISSOURI
Race	WHITE	Sex	FEMALE
DOB	08/19/1961	Age	48
Resident Status	NON-RESIDENT		

Additional Info

Employer	HARDEE'S	Occupation	GENERAL MANAGER
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BUSINESS Address

Street Address	17368 CHESTERFIELD AIRPORT ROAD	Apt/Suite/Rm #	
City	CHESTERFIELD	State	MISSOURI
Zip	63005	Location Desc.	HARDEE'S

HOME Address

Street Address	1403 AMBER WAVE DRIVE	Apt/Suite/Rm #	
City	O'FALLON	State	MISSOURI
Zip	63366	Location Desc.	

BUSINESS Phone

Area Code	636	Contact Name	
Phone #	536-5072	Ext.	

Email Address

INCIDENT PROPERTY TOTALS

Total Stolen Value	\$989.00	Total Recovered Value	\$0.00
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NARRATIVE

Relative to the original report in which Hardee's was robbed by a male armed with a gun, I wish to state:

I learned of information that two suspects identified as Andre Williams and Mark Leachman had been arrested for robbing area restaurants and had active investigations in St Louis City, Town & Country and Maplewood.

Since the robber(s) showed knowledge of when the restaurant employees arrived and the business operation, I telephoned the store GM, Tamara Parkhurst who checked to see if either individual had worked there. Parkhurst informed me that they had no record of Leachman ever working for Hardee's, however Williams had worked at the Chesterfield Valley location from 11/06/2008 till 02/15/2009.

Since Williams had been identified in other restaurant robberies and used to work at the Chesterfield Hardee's, I prepared a photo line-up using the REJIS Crime Matrix Image Resource Information System (IRIS). Line-up number 79358 as follows:

Photo #1

Photo # 2

Photo # 3

Photo # 4

Photo # 5

Tracking # 41186542 (Andre Williams)

Tracking # 35868046

Tracking # 28123582

Sex Off # 4002

Sex Off # 968

EXHIBIT #2 =====>

Photo # 6

Tracking #23338106

The photos were printed out as 3 1/2" X 5" photos and cut into individual photos so that they can be placed in random order for viewing. Refer to the department Photo Lineup Worksheet for additional information as to the presentation of photos.

On Saturday, 01/09/2009 PO Zeus Hernández, DSN 255 responded to Hardee's 17368 Chesterfield Airport Rd where he met with Victoria Pluma.

Pluma works in the kitchen at Hardee's and walked into the restaurant as the suspect was robbing the store. She also observed the same person walking around on the parking lot of the restaurant just prior to the robbery.

Pluma only speaks Spanish and Officer Hernandez speaks English and Spanish fluently. Officer Hernandez explained the photo lineup process to Pluma. Refer to the department witness preparation form for additional information. Officer Hernandez showed Pluma each photo individually and one at a time. After viewing the photos, Pluma identified photo # 4 (Andre Williams) as the person she saw on the parking lot just prior to the robbery. This is also the same person she saw in the restaurant at the time of the robbery wearing the ski mask. Both people were wearing the exact same clothing. Officer Hernandez had Pluma sign and date the back of photo # 4 indicating her identification of the photo.

Cigarette butts and a liquor can seized nearby the Hardee's where a suspect could have waited and watched for employees to arrive, had been previously seized as evidence. These items were sent to the St Louis County Police crime laboratory for testing along with the suspect information on Williams and Leachman. I also learned that Williams was currently in custody at the St Louis Criminal Justice Center on Tucker Blvd and that Leachman was in custody at the St Louis City Work House on Hall St.

This investigation is continuing.

EXHIBIT CONTINUED NEXT PAGE=====▶

CHESTERFIELD POLICE DEPARTMENT PHOTO LINEUP

Case# 09-5561 Viewed By: Victoria Pluma Detective: PO Hernandez
Comments: _____ Date/Time: 01/09/2010 08:10

Lineup# 79358

Print

41186542

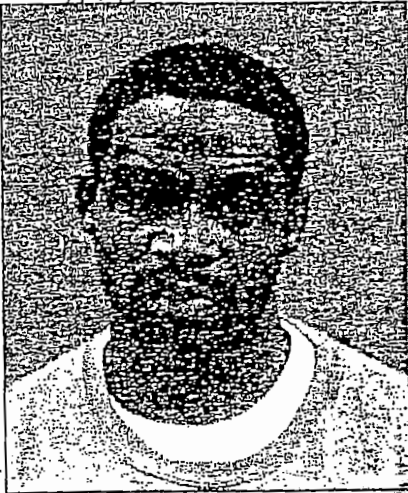


Photo #1

504002

35868046



Photo #2

50968

28123582



Photo #3

23338106

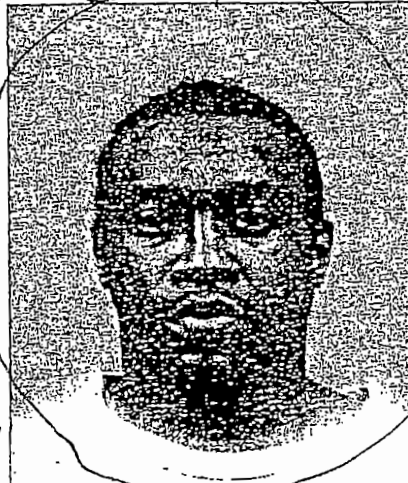


Photo #4

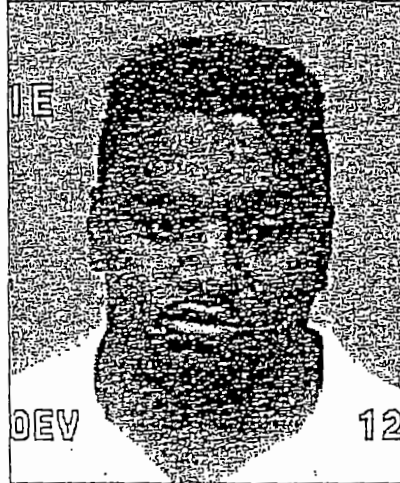


Photo #5

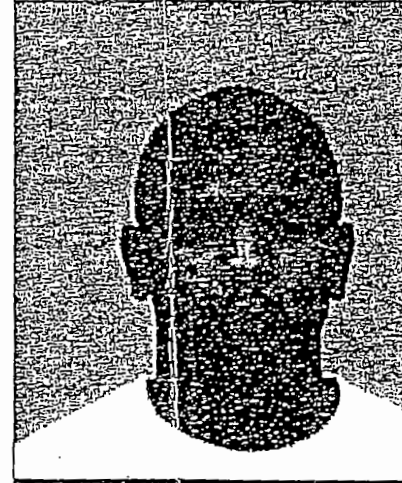


Photo #6

(petitioner's Exhibit-1)

↑
PETITIONER

Victoria Pluma

NEWLY DISCOVERED
EVIDENCE

RECEIVED
OCT 15 2013
DEPARTMENT OF CORRECTIONS

*PETITIONER IS PHOTO #1
*SEE FALSIFIED DOCUMENT IN EXHIBIT CONTINUED NEXT PAGE-->

* THIS DOCUMENT IS FALSIFIED, PETITIONER IS PHOTO #1, TRACKING NUMBER #41186542
IN EXHIBIT #1, PG. 7 AND "NOT" PHOTO #4.

THIS WAS FALSIFIED
IN PHOTO #1, NOT
PHOTO #4



CHESTERFIELD POLICE DEPARTMENT PHOTO LINEUP WORKSHEET



Report information	
Complaint Number	09-5561
Nature	ROBBERY 1ST
Case Officer	DETECTIVE CARROLL

Suspect information					
Name	ANDRE WILLIAMS				
Race	B	Sex	M	DOB	12/24/69
SSN	487-88-6675				

Photo Lineup Composition					
Witness Name: PLUMA, VICTORIA			Witness Name:		
Witness #1	Photo # (✓ suspect)	REJIS Tracking Number	Witness #2	Photo # (✓ suspect)	REJIS Tracking Number
	1	50 4002		1	
	2	50 968		2	
	3	23 338 106		3	
	4	✓ 41 186 542		4	
	5	358 680 46		5	
	6	28 123 582		6	
Witness Name:			Witness Name:		
Witness #3	Photo # (✓ suspect)	REJIS Tracking Number	Witness #4	Photo # (✓ suspect)	REJIS Tracking Number
	1			1	
	2			2	
	3			3	
	4			4	
	5			5	
	6			6	

EXHIBIT #3=====➡

Photo # 6

Tracking #23338106

The photos were printed out as 3 1/2" X 5" photos and cut into individual photos so that they can be placed in random order for viewing. Refer to the department Photo Lineup Worksheet for additional information as to the presentation of photos.

On Saturday, 01/09/2009 PO Zeus Hernandez, DSN 255 responded to Hardee's 17368 Chesterfield Airport Rd where he met with Victoria Pluma.

Pluma works in the kitchen at Hardee's and walked into the restaurant as the suspect was robbing the store. She also observed the same person walking around on the parking lot of the restaurant just prior to the robbery.

Pluma only speaks Spanish and Officer Hernandez speaks English and Spanish fluently. Officer Hernandez explained the photo lineup process to Pluma. Refer to the department witness preparation form for additional information. Officer Hernandez showed Pluma each photo individually and one at a time. After viewing the photos, Pluma identified photo # 4 (Andre Williams) as the person she saw on the parking lot just prior to the robbery. This is also the same person she saw in the restaurant at the time of the robbery wearing the ski mask. Both people were wearing the exact same clothing. Officer Hernandez had Pluma sign and date the back of photo # 4 indicating her identification of the photo.

Cigarette butts and a liquor can seized nearby the Hardee's where a suspect could have waited and watched for employees to arrive, had been previously seized as evidence. These items were sent to the St Louis County Police crime laboratory for testing along with the suspect information on Williams and Leachman. I also learned that Williams was currently in custody at the St Louis Criminal Justice Center on Tucker Blvd and that Leachman was in custody at the St Louis City Work House on Hall St.

This investigation is continuing.

EXHIBIT #4 =====>

Date/Time Printed: 04/09/2016 13:41:08
 Printed By / Reason: #mager1 / Waldemer

9-5561

INCIDENT PROPERTY TOTALS

Total Stolen Value: \$989.00 Total Damages: \$0.00

PROCEDURE INFORMATION

☐ Neighborhood Canvassed ☐ Send A Teletype ☒ Was Any Evidence Seized

Teletype Message

Teletype/Reference #

Entered By

NARRATIVE

In reference to Chesterfield Police Report Number 09-5561, I wish to state the following. At approximately 0535 hours, on Saturday, November 14, 2009, I responded to 17368 Chesterfield Airport Road to process the scene of a Robbery First.

The following photographs were taken at the scene utilizing a department issued Nikon D50 Digital SLR camera. The photographs were later downloaded into the Chesterfield Police Department's Crime Scene computer file.

Photo 1 Cover sheet
 Photo 2-4 Overall, midrange, close-up of location address
 Photo 5-12 Overall exterior of business
 Photo 13-14 Entrance to business
 Photo 15-17 Interior of business from entrance
 Photo 18-31 Overall, midrange, and close-ups of cash drawers
 Photo 32-34 Overall, midrange and close-ups of safe
 Photo 35-38 Interior of safe
 Photo 39-42 Photos taken towards the west looking at Spaghetti Factory
 Photo 43-46 Area with bench and ashtray
 Photo 47 Sparks can of energy drink
 Photo 48-50 Ashtray and cigarette butts

A search for latent evidence met with negative results.

The following items were seized and packaged as evidence and turned over to the Chesterfield Police Evidence Custodian for safe keeping:

Item 1 1 16 fluid ounce (empty) aluminum can of Sparks Premium Malt Beverage
 Item 2 4 Camel cigarette butts
 Item 3 2 Pall Mall cigarette butts
 Item 4 2 Marlboro cigarette butts

According to a witness the suspect was seen walking easterly across the Hardee's parking lot. This direction meant he came from the west. Across the main entrance to the shopping complex to the west is the Old Spaghetti Factory Restaurant at 17384 Chesterfield Airport Road.

Date/Time Printed: 04/09/2015 13:41:00
Printed By / Reason: #mager1 / Waldomer

9-5561

Lt. Tucker discovered an alcove to the east of the main entrance of the Old Spaghetti Factory which contained a cement bench and a cement ashtray. This area is used by customers while waiting for seating. On the ashtray was an almost empty can of Sparks Premium Malt Beverage and several cigarette butts. It is possible that the suspect could have used the bench in the alcove as a vantage point to view the arrival of the Hardee Employees.

Photos numbers 39 through 50 were taken for this reason. I seized the Sparks Beverage can and samples of some of the cigarette butts from the ashtray. These items were placed in evidence for safe keeping. These items can be sent to the lab at a later date for DNA Testing and fingerprinting of the can, if it is determined by the investigating detective that these items are of such evidentiary value.

COPY

Page 8 of 35

Date/Time Printed: 04/09/2015 13:41:08
 Printed By / Reason: #mager1 / Waldemer

9-5561

WARRANT APPLICATION INFORMATION

Suspect Information			
Last Name	WILLIAMS	Middle Name	
First Name	ANDRE		
Race	BLACK	DOB	12/24/1989
Sex	MALE	SSN	487-88-6675
Warrant Info			
Warrant/Summons #		Prosecuted By	STATE PROSECUTOR
Application Date	02/09/2010	Prosecutor Name	JACK DUEPNER
Court Assigned		<input checked="" type="checkbox"/> Booked	
Bond Amount			
Additional Info			
Charge Info			
Charge Desc. #1	ROBBERY 1ST DEGREE		
Disposition	WARRANT ISSUED		
Amended Charge			
Charge Desc. #2	ARMED CRIMINAL ACTION		
Disposition	REFUSED		
Amended Charge			
INCIDENT PROPERTY TOTALS			
Total Stolen Value	\$989.00	Total Cash	\$0.00
NARRATIVE			

In reference to Chesterfield Police Report #09-5561, wherein a robbery occurred at Hardee's, 17368 Chesterfield Airport Road, I wish to report the following:

As noted in Supplement #7, Det. James Carroll, DSN 220, applied for warrants against the suspect, Andre Williams, with the St. Louis County Prosecuting Attorney's Office on February 9, 2010. At that time, Chief Warrant Officer Jack Duepner took the case under advisement pending laboratory analysis of DNA evidence.

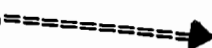
* In July, 2010, Det. Carroll learned that the crime lab was able to extract DNA profiles from the cigarette butts and malt beverage can found at a nearby restaurant. However, per CODIS policy, the lab is unable to enter this DNA profile into the CODIS system because the evidence was found in a public place. The lab recommended obtaining a buccal swab from Andre Williams to compare the DNA profiles from the evidence to him.

* On Monday, August 2, 2010, Det. Carroll sent an email to Mr. Duepner advising him of the laboratory results and the recommendation provided by the lab.

It should be noted that Det. Carroll retired from the Chesterfield Police Department on Friday, August 13, 2010, at which time I began conversing with Mr. Duepner regarding this case.

On Thursday, October 14, 2010, I received notification from Mr. Duepner that he issued a warrant against Andre Williams for one count of Robbery

COPY

EXHIBIT #6 
12

Date/Time Printed: 04/09/2015 13:41:08
Printed By / Reason: #mager1 / Waldemer

9-5581

INCIDENT PROPERTY TOTALS

Total Stolen Value: \$939.00 Total Seized Value: \$0.00

NARRATIVE

With reference to the original offense, "Robbery First Degree", please be advised of the following relative new information.

On 11/05/2010, I responded to the Southeast Correctional Center for the Missouri Department of Corrections, located in Charleston, Missouri. The purpose of the trip was to obtain a DNA sample from Suspect DeAndre Darrough aka Andre Williams.

On arrival at the facility I contacted Suspect Darrough, and explained the reason for my visit. Suspect Darrough stated that he was willing to provide a sample of his DNA. Suspect Darrough signed a "DNA Consent" form that I seized as evidence.

Two buccal swabs of saliva was obtained from Suspect Darrough and placed into evidence to await transfer to the St. Louis County Crime Laboratory.

End of report

EXHIBIT CONTINUES NEXT PAGE=====➡

COPY

ST. LOUIS COUNTY POLICE DEPARTMENT EVIDENCE RECEIPT

PRECINCT LOG NUMBER S-3	SECURITY BAG NUMBER	NUMBER OF CONTAINERS BOXES: 1 PACKAGES: 1	RACK	BIN	AGENCY CODE 01	COMPLAINT NUMBER 09-5561
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OFFENSE INFORMATION		DATE OF OCCURRENCE 11-14-2009		TYPE OF OFFENSE Robbery 135		LOCATION 17368 Charterfield Airport		AGENCY CODE 01	
VICTIM Hardee's		ADDRESS 17368 Charterfield Ave		CITY/STATE/ZIP CODE Charterfield, Mo 63005		PHONE NUMBER 686 5072			
CASE/INVESTIGATING OFFICER/DSN Thompson 176		PRECINCT/BUREAU BCSS		DEPARTMENT Charterfield		PHONE NUMBER 686 537-3000			
SUSPECT INFORMATION CODE: 1 - ARRESTED 2 - NOT TAKEN INTO CUSTODY 3 - SUMMONS IN LIEU 4 - JUVENILE									

NAME	DOB	ADDRESS	CITY/STATE/ZIP CODE	PHONE NUMBER	CODE
Darrough, Andre	12/24/92	300 E Pedro Simms	Charleston, Mo	63834	N/A
Alton, Andre					

TYPE OF PROPERTY: EVIDENCE <input checked="" type="checkbox"/> FOUND PROPERTY <input type="checkbox"/> SAFE KEEPING <input type="checkbox"/> ABANDONED PROPERTY <input type="checkbox"/> LEGALLY CONCEALED FIREARM <input type="checkbox"/>
EVIDENCE INFORMATION: OWNERSHIP CODE: 1 - SUSPECT 2 - VICTIM 3 - UNKNOWN 4 - OTHER (SEE REMARKS) DISPOSITION CODE: 1 - DISPOSE OF AFTER ANALYSIS 2 - RETAIN AS EVIDENCE 3 - DISPOSE OF AFTER CASE CLOSED 4 - OTHER (SEE REMARKS) 5 - DISPOSE OF IF LAB ANALYSIS NEGATIVE

ITEM NO.	DESCRIPTION (INCLUDE SERIAL NUMBER)	OWNER CODE	DISPOSITION CODE	FORENSIC USE ONLY
1	2 swabs containing DNA sample from suspect Darrough	1	3	

LOCATION BEING FOUND 300 East Pedro Simms	DATE 11/8/09	OFFICER NAME/DSN Simpson 133	AGENCY CODE 01
CASE STATUS: WARRANT TO BE APPLIED FOR <input type="checkbox"/> WARRANT ISSUED <input type="checkbox"/> WARRANT UNDER ADVISEMENT <input type="checkbox"/> SIL ISSUED <input type="checkbox"/> CASE CLOSED <input type="checkbox"/> REFUSED <input type="checkbox"/>	COURT INFORMATION: GRAND JURY: ASSOC. CIRCUIT COURT # CIRCUIT # WARRANT #		

REMARKS: (TYPE OF ANALYSIS REQUESTED - PROPERTY PROCESSING REQUESTED - ADDITIONAL EVIDENCE ANTICIPATED - OTHER PERSON ETC. TO RECEIVE THE REPORT) (IF OWNERSHIP CODE IS 4 - LIST NAME, ADDRESS, CITY, STATE, ZIP AND PHONE NUMBER) Confirmation sample, compare to sample from CAN AND CHARLOTTE B.M.	57258
--	--------------

CHAIN OF CUSTODY			
FROM: Simpson 133	TO: T3 134	DATE: 11-8-10	
FROM: T3 134	TO: ABV 3950	DATE: 11-7-10	
FROM: ABV 3950	TO: FRE 14	DATE: 11-7-10	
FROM: Alton 11	TO: 11 3913	DATE: 11-18-10	
FROM: 11 3913	TO: 11 3913	DATE: 11-18-10	

Partnership's Newly Discarded Evidence (Exhibit-8)

EXHIBIT #7=====➡

photo # 6

Tracking #23338106

The photos were printed out as 3 1/2" X 5" photos and cut into individual photos so that they can be placed in random order for viewing. Refer to the department Photo Lineup Worksheet for additional information as to the presentation of photos.

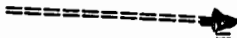
On Saturday, 01/09/2009 PO Zeus Hernandez, DSN 255 responded to Hardee's 17368 Chesterfield Airport Rd where he met with Victoria Pluma.

Pluma works in the kitchen at Hardee's and walked into the restaurant as the suspect was robbing the store. She also observed the same person walking around on the parking lot of the restaurant just prior to the robbery.

Pluma only speaks Spanish and Officer Hernandez speaks English and Spanish fluently. Officer Hernandez explained the photo lineup process to Pluma. Refer to the department witness preparation form for additional information. Officer Hernandez showed Pluma each photo individually and one at a time. After viewing the photos, Pluma identified photo # 4 (Andre Williams) as the person she saw on the parking lot just prior to the robbery. This is also the same person she saw in the restaurant at the time of the robbery wearing the ski mask. Both people were wearing the exact same clothing. Officer Hernandez had Pluma sign and date the back of photo # 4 indicating her identification of the photo.

Cigarette butts and a liquor can seized nearby the Hardee's where a suspect could have waited and watched for employees to arrive, had been previously seized as evidence. These items were sent to the St Louis County Police crime laboratory for testing along with the suspect information on Williams and Leachman. I also learned that Williams was currently in custody at the St Louis Criminal Justice Center on Tucker Blvd and that Leachman was in custody at the St Louis City Work House on Hall St.

This investigation is continuing.

EXHIBIT #8 

(Petitioner's Exhibit - In Command)

1 on or about November 14th, 2009 at 17368 Chesterfield
2 Airport Road, County of St. Louis, State of Missouri,
3 the defendant forcibly stole U.S. currency in the
4 possession of Hardee's and, in the course thereof, the
5 defendant displayed what appeared to be a deadly
6 weapon.

7 Your Honor, the testimony at trial would
8 be that the defendant entered Hardee's, his face was
9 covered, and that he produced what appeared to be a
10 pistol, handgun, and demanded money from the safe. An
11 employee surrendered the money to the defendant and
12 gave police a description, clothing description, and
13 other description of the individual.

14 Testimony would be that Victoria Kluma,
15 that she identified the defendant in a photo lineup and
16 that she gave a description to the police of the
17 clothing of the individual she saw outside Hardee's and
18 then enter Hardee's and then come outside of Hardee's
19 once the money was taken. And that was the defendant,
20 Mr. Andre Williams.

21 QUESTIONS BY THE COURT:

22 Q. Mr. Williams, is what the prosecuting
23 attorney said substantially true and correct?

24 A. Yes.

25 Q. Has anyone made you any promise or have

EXHIBIT #9 

TO:

ST. LOUIS COUNTY PROSECUTING ATTORNEY'S OFFICE
ST. LOUIS COUNTY JUSTICE CENTER
100 SOUTH CENTRAL AVENUE
CLAYTON, MISSOURI, 63105

RE: PURSUANT TO SUNSHINE LAW,
CHAPTER 610 REVISED STATUTE OF
MISSOURI; "REQUEST FOR FRONT AND BACK
COPY OF "SINGLE PHOTO(S)" WITH WITNESS
SIGNATURE ON BACK OF PHOTO PERTAINING
TO CAUSE NUMBER 10SL-CR09241"
(EXHIBIT'S #1 AND #2 ATTACHED HERE-TO)

DEAR PROSECUTING ATTORNEY'S OFFICE,

ON AUGUST 8, 2011, THE PROSECUTOR STATE'S
THAT WITNESS IDENTIFIED ME IN A PHOTO
LINE-UP (SEE ATTACHED EXHIBIT #1)....THE
DETECTIVES IN THIS CASE (10SL-CR09241) STATES
THAT "INDIVIDUAL PHOTO'S WERE SHOWN TO
THE WITNESS ONE AT A TIME AND AFTER
REVIEWING PHOTO'S, WITNESS IDENTIFIED
PHOTO #4 OF ME (ANDRE WILLIAMS)..OFFICER
HAD WITNESS "SIGN AND DATE" THE BACK OF
PHOTO #4 INDICATING HER IDENTIFICATION
OF THE PHOTO (SEE ATTACHED EXHIBIT #2).....

AT THIS TIME, I AM REQUESTING A
FRONT AND BACK COPY OF THIS DOCUMENT
MENTIONED ABOVE ("SINGLE PHOTO WITH
WITNESS SIGNATURE ON BACK") PURSUANT

(1 OF 4)

TO SUNSHINE LAW, CHAPTER 610 REVISED
STATUTE OF MISSOURI... PLEASE INFORM
ME IN ADVANCE OF ANY COPY FEES
THAT WILL EXCEED \$5.00. IF THERE
IS "NO SINGLE PHOTO WITH WITNESS
SIGNATURE ON BACK" I WOULD LIKE
TO BE INFORMED AS WELL... IN RESPECT
TO ALL LAWS GOVERNING ACCESS TO
ATTORNEY RECORDS I HEREBY INVOLVE
ALL AFFORDED TO ME... ADDITIONALLY,
THE SUNSHINE LAW REQUIRES A RESPONSE
TO BE GIVEN AS SOON AS POSSIBLE BUT NO
LATER THAN THREE (3) WORKING DAYS "AFTER"
RECEIPT OF THE REQUEST....

THE DOCUMENT I REQUEST IS AN OPEN
RECORD AND DISCLOSURE IS REQUIRED
BY LAW...

* MISSOURI SUNSHINE LAW, MO. REV. STAT
§ 610.027(3) (SUPP. 2013) STATES "THAT A
PENALTY SHALL BE IMPOSED AND ATTORNEY
FEES AND COST MAY BE ASSESSED UPON
FINDING THAT A PUBLIC GOVERNMENTAL BODY
OR A MEMBER OF A GOVERNMENTAL BODY
HAS KNOWINGLY VIOLATED MO. REV. STAT. 610.010 -
610.027 (SUPP. 2013)

AGAIN, AS STATED ABOVE AND ALSO SHOWN
IN THE EXHIBITS ATTACHED HERETO, I
"ONLY" REQUEST THE DOCUMENTATION
MENTIONED ABOVE AND AS FOLLOWS IN

(2 OF 4)

CASE NUMBER # 10SL-CR09241

* SINGLE PHOTO WITH WITNESS SIGNATURE
AND DATE ON BACK OF PHOTO (SEE
EXHIBIT'S #1 AND #2 ATTACHED HERE-TO)

** A FRONT AND BACK COPY IS REQUESTED

Respectfully Submitted,

Andre Williams Sr
#525929

Southeast Correctional Center
300 East Pedro-Simmons Drive
Charleston, MO, 63834

DEFENDANT, ANDRE WILLIAMS SR. BEING FIRST
DULY SWORN, DEPOSES AND SAYS THAT I HAVE
REQUEST THE FORGOING DOCUMENTS FROM THE
ST. LOUIS COUNTY PROSECUTING ATTORNEY'S OFFICE
IN THE ABOVE-STYLED CAUSE NO: 10SL-CR09241;
THAT I KNOW THE CONTENTS THERE-OF THAT
INCLUDES EXHIBIT'S ATTACHED HERE-TO AND THAT
THE MATTERS THERE IN SET FORTH ARE TRUE UNDER
OATH AND UNDER THE PENALTY OF PERJURY

8-2-2017

DATE

Andre Williams Sr

SIGNATURE

NOTARY ONLY

(3 OF 4)

~~* EXHIBIT # 1 *~~

1 on or about November 14th, 2009 at 17368 Chesterfield
2 Airport Road, County of St. Louis, State of Missouri,
3 the defendant forcibly stole U.S. currency in the
4 possession of Hardee's and, in the course thereof, the
5 defendant displayed what appeared to be a deadly
6 weapon.

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8 be that the defendant entered Hardee's, his face was
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13 other description of the individual.

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15 that she identified the defendant in a photo lineup and
16 that she gave a description to the police of the
17 clothing of the individual she saw outside Hardee's and
18 then enter Hardee's and then come outside of Hardee's
19 once the money was taken. And that was the defendant,
20 Mr. Andre Williams.

21 QUESTIONS BY THE COURT:

22 Q. Mr. Williams, is what the prosecuting
23 attorney said substantially true and correct?

24 A. Yes.

25 Q. Has anyone made you any promise or have

EXHIBIT 2

Photo # 6

Tracking #23338106

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This investigation is continuing.

EXHIBIT #10=====➡

OFFICE OF PROSECUTING ATTORNEY

ROBERT P. McCULLOCH
Prosecuting Attorney

St. Louis County Justice Center
100 South Central Avenue
ST. LOUIS COUNTY, MISSOURI 63105

(314) 615-2600
RelayMO 711 or 800-735-2966



August 7, 2017

Mr. Andre Williams Sr.
#525828
Southeast Correctional Center
300 East Pedro-Simmons Drive
Charleston, MO 63834

On August 4, 2017, this office received your letter purporting as a "Sunshine Law" request for a photograph referred to in the police report and at your plea of guilty. Pursuant to my appointment as acting custodian of records, I have conducted a review of our records and evidence. No such photograph is contained in our records and we hold no such evidence.

Sincerely,


John D. Evans
First Assistant Prosecuting Attorney

JDE:bb

ROBERT P. McCULLOCH
PROSECUTING ATTORNEY

100 South Central Avenue
Clayton, Missouri 63105

4C109

Mr. Andre Williams Sr.
#525828
Southeast Correctional Center
300 East Pedro-Simmons Drive
Charleston, MO 63834

GCR-EAB 63834

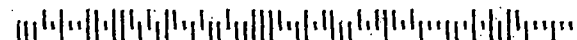


EXHIBIT # 11=====➡

IT WILL SHOW THE COURT PETITIONERS DUE DILIGENCE AND
THE RESPONDENTS FAILURE TO DISCLOSE "SINGLE PHOTO"

IN THE
CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

ANDRE WILLIAMS, SR.,

Movant,

v.

STATE OF MISSOURI,

Respondent.

Cause No. 12SL-CC00216
Hon. Mark D. Seigel
Div. 3

REQUEST FOR THE COURT TO ORDER THE STATE TO DISCLOSE LINEUP
PHOTOGRAPHS FROM THE UNDERLYING CRIMINAL CAUSE

Mr. Williams, movant, respectfully requests this Court order the St. Louis County Prosecuting Attorney's Office to disclose to undersigned counsel any photographic arrays shown to Ms. Victoria Pluma from the underlying criminal cause, St. Louis County Cause No. 10SL-CR089241-01. To explain this request, Mr. Williams states

1. Mr. Williams was charged with first-degree robbery in St. Louis County Cause No. 10SL-CR089241-01. The state accused him of forcibly stealing money from Hardee's and displaying what appeared to be a deadly weapon;

2. The state provided discovery to Mr. Williams' plea counsel. That discovery included a color copy of a photographic lineup array. *See* Exhibit 1, attached. The sheet did not contain any signatures, front or back;

3. According to police reports also provided to plea counsel, a Hardees employee, Ms. Victoria Pluma, was shown a photographic lineup. It contained Mr. Williams' photograph. After looking at the lineup, Ms. Pluma identified Mr. Williams as the robber and *signed and dated the back of Mr. Williams' photograph.* Ms. Pluma also signed a

Chesterfield Police Department Photo Lineup Eyewitness Identification Witness Preparation Form. See Exhibit 2, attached;

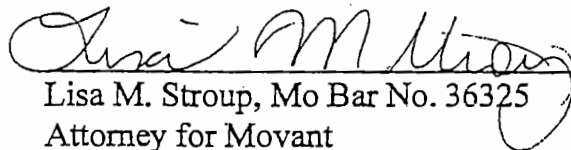
4. The copy of the photographic array provided to plea counsel did not contain any signatures, front or back; therefore, it could not have been a copy of the array viewed by Ms. Pluma;

5. Mr. Williams alleged in his *pro se* Rule 24.035 motion that counsel had not alerted the court that Ms. Pluma's purported signature on the photographic array did not match her signature on the bottom of the Witness Identification Form;

6. Therefore, undersigned counsel is obligated to investigate this issue. But counsel cannot do so without the photographic lineup array shown Ms. Pluma, or a fair and accurate reproduction of it;

WHEREFORE, Movant Andre Williams, Sr. respectfully requests this Court order the St. Louis County Prosecuting Attorney's Office to disclose to undersigned counsel any photographic arrays shown Ms. Victoria Pluma from the underlying criminal cause, St. Louis County Cause No. 10SL-CR089241-01.

Respectfully submitted,



Lisa M. Stroup, Mo Bar No. 36325

Attorney for Movant

1010 Market Street

Suite 1100

St. Louis, MO 63101

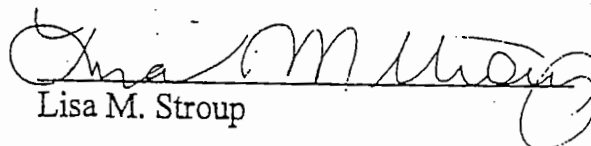
Phone 314-340-7662

Fax 314-340-7685

E-Mail Lisa.Stroup@mspd.mo.gov

Certificate of Service

I certify that on this the 5th day of September, 2012, that a true copy of the above and foregoing was sent by fax transmission to the St. Louis County Prosecuting Attorney's Office, 100 S. Central, Clayton, MO 63105



Lisa M. Stroup

In the

CIRCUIT COURT

of St. Louis County, Missouri



For File Stamp Only

Andre Williams
Plaintiff(s)9/27/12
Date

vs.

12SLCC00216
Case NumberState of Missouri
Defendant(s)3
Division

CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

The Court hereby denies Mr. Williams' Request for the Court to Order the State to Disclose Lineup Photographs from the Underlying Criminal Cause.

The Court hereby rules that a claim that counsel was ineffectual for failing to file and litigate a motion to suppress statements would not be cognizable.

Respectfully submitted,

Ana M. Thompson 36325
Attorney for respondent Bar No.

SO ORDERED

Judge

ENTERED:

9/27/12
(Date)

CCOPR47 Rev. 5/95

Address

Phone No.

Fax No.

Attorney

Bar No.

Address

Phone No.

Fax No.

EXHIBIT #6

6



MISSOURI STATE PUBLIC DEFENDER SYSTEM

Appellate/PCR Division
1010 Market Street – Suite 1100
St. Louis, Missouri 63101
Telephone: 314-340-7662 Fax: 314-340-7685

October 5, 2012

Mr. Andre Williams, Sr. #525828
Southeast Correctional Center
300 East Pedro Simmons Drive
Charleston, MO 63834

Re: Your August 29, 2012 letter
Andre Williams, Sr. v. State of Missouri
Case No. 12SL-CC00216

Dear Mr. Williams:

Regarding your August 29, 2012 letter: In future, I will only respond to reasonable requests for information from you.

Here is an update on your case since my last letter:

After I asked him, the prosecutor refused to give me a copy of the backside of the lineup photo, so I filed a "Request for the Court to Order the State to Disclose Lineup Photographs from the Underlying Criminal Cause" on September 5, 2012. I attended conferences before Judge Seigel with the prosecutor in this case on September 7, 20, and 27, 2012. I also provided Judge Seigel and the prosecutor with the following cases because the judge wanted to know -- where a movant has pleaded guilty -- if counsel's failure to file and litigate a suppression motion can be raised as a Rule 24.035 claim: Stacker v. State, 357 S.W.3d 300 (Mo. App. S.D. 2012); May v. State, 309 S.W.3d 303 (Mo. App. E.D. 2010); and State v. Hunter, 840 S.W.2d 850 (Mo. banc 1992).

Unfortunately, the judge denied the motion for the lineup photograph because His Honor decided such a claim could not be raised in a Rule 24.035 case. Because I respectfully disagree with the judge, I plan to raise the claim anyway.

With this letter you are receiving copies of the request for the lineup photo and the court memoranda from September 7, 20, and 27.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa M. Stroup".

Lisa M. Stroup
Assistant Public Defender

IN THE CIRCUIT COURT OF ST. LOUIS CITY
STATE OF MISSOURI

STATE OF MISSOURI,
Plaintiff

v.

ANDRE WILLIAMS,
Defendant

Cause No.

Division No. 00

FILED

JUL 27 2011

JOAN M. GILMER
CIRCUIT CLERK, ST. LOUIS COUNTY

DEFENDANT'S REQUEST FOR DISCOVERY

Comes now defendant, by and through counsel, and hereby requests the following discovery pursuant to Missouri Supreme Court Rules 25.01, 25.02, 25.03, 25.04, 25.07, 25.08, 25.16, (and RSMo. 565.005 if defendant is charged with murder) and defendant's rights to a fair trial, due process, equal protection, reliable sentencing, effective assistance of counsel, confrontation, impartial jury from a fair cross section of the population, against self incrimination, against unreasonable searches and seizures, and against cruel and unusual punishment guaranteed under the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution and Article I Sections 2, 10, 15, 18(a), 21 and 22(a) of the Missouri Constitution:

1. The names and the last known addresses of persons whom the State intends to call as witnesses at any hearing or trial, together with their written or recorded statements and existing memoranda reporting or summarizing part or all of their oral statements;
2. Any and all written or recorded statements and the substance of any oral statements made by the defendant or by the codefendant, a list of witnesses to the making, and a list of witnesses to the acknowledgment of such statements and the last known addresses of such witnesses;
3. Those portions of any existing transcript of grand jury proceedings which relate to the offense with which defendant is charged containing testimony of defendant, codefendants, persons whom the State intends to call as witnesses at any hearing or trial, and any other persons who offered information related to the above cause before the grand jury that was transcribed;
4. Any existing transcript and recording of the preliminary hearing or any prior trial in defendant's case if such is in the possession of the State or available to the State;
5. Any reports, notes, recordings of statements of experts made in connection with this case, including, but not limited to, the results of any type of physical, mental, scientific, forensic and/or DNA testing conducted regarding this case or the defendant and all underlying data, notes, correspondence and reports of such experts;
6. Any books, papers, documents, photographs or objects which the State intends to introduce into evidence at any time or which were obtained from or belong to the defendant;

7. Any record of any prior criminal convictions of persons the State intends to call as witnesses at any hearing or the trial;

8. A written statement by counsel for the State setting fourth all facts relating to the time, place and persons conducting any type of photographic or electronic surveillance relating to this charged offense;

9. Any material or information within the possession or control of the State or its agent which tends to negate the guilt of the defendant as charged, mitigate the degree of the offense charged, or reduce punishment;

10. Should the defendant notify the State of its intent to rely upon any mental disease or defect defense or mitigation, or the defense of alibi, the defendant specifically requests the names and addresses of all witnesses the State intends to call as rebuttal witnesses, together with copies of any of their notes, memoranda, recordings, correspondence, documentation, anything upon which they relied in their analysis or conclusion, anything they obtained for review in connection with this case, any protocols pertaining to their work in this case, any training materials upon which they rely in their work in this case;

11. The statements of all persons who have been interviewed by an agent of the State in connection with the subject matter of this cause and whom the State does not presently intend to call at trial together with their names and last known addresses;

12. The memoranda, notes and summaries of any oral statements made to an agent of the State by any person in connection with the subject matter of this cause whether or not:

- a. the statement, is in writing, has been signed or approved by the witness, and
- b. the statement relates to the proposed subject matter of the direct testimony of the witness at trial;

13. The statements of persons, notes, memoranda and recordings of any oral statements pertinent to the subject matter of this case whether or not made to an agent of the State;

14. Any memoranda, documents, notes and statements used by the State during the investigation of this case;

15. The names and addresses of all persons who may have some knowledge of the facts of the present case;

16. All reports, notes, memoranda and documents prepared on behalf of the State or otherwise used in connection with the investigation of this case;

17. All reports, notes, documents, memoranda and any other data in the hands of the State and its agents in connection with the subject matter of this case, the defendant and codefendants;

18. Statements of any person or persons which were shown, read, played or paraphrased to the defendant during any interrogation or interview conducted by any member of any law enforcement agency;

19. Current or most recent addresses and telephone numbers, known to law enforcement agencies, of all persons interviewed in the course of the investigation of the incident;

20. Copies of booking slips of the defendant prepared pursuant to his arrest in this case;

21. All press releases prepared by any law enforcement agencies relating to the defendant, the codefendants, this case, the incident and the investigation;

22. Copies of all 911 tapes, and other police radio calls or dispatches reflecting the initial call for assistance to and through those reflecting the arrest of the defendant and the codefendants;

23. Notice of the State's intent to use DNA evidence and the name of the lab conducting

any DNA testing, and the type of DNA testing which was conducted;

24. All memoranda, notes, documents, and reports to, from and between law enforcement officers connected with the subject matter of this case;

25. All memoranda, notes, documents and reports to, from and between the investigative staff of the prosecution, excluding those portions, if any, which contain the opinions, theories, or conclusions of the prosecuting attorney or members of his/her legal staff, unless such opinions, theories or conclusions are otherwise discoverable;

26. The criminal records, including but not limited to, prior arrests and any list or summary reflecting criminal records of all persons whom the prosecution intends to call as a witness at trial;

27. All evidence in the prosecutor's possession or available to the prosecution which is favorable to the defendant on the issue of guilt, including but not limited to:

- a. unfavorable evidence with respect to prosecution witnesses;
- b. unfavorable evidence respecting any of the codefendants;
- c. any and all evidence, letters, memoranda, documents, notes or other material of any nature disclosing bias and/or prejudice or pre judgment by citizens of this county against the defendant and/or codefendants, and the identity of the persons making statements indicating such views;
- d. any and all other information respecting any prosecution witness which is favorable to the defendant on the issue of guilt;
- e. statements made by any persons which are exculpatory with respect to the defendant including all statements made by prospective prosecution witnesses;

28. All evidence in the prosecution's possession or available to the prosecution which is favorable to the defendant on the issue of punishment, including, but not limited to, evidence disclosing:

- a. the defendant has no significant history of prior criminal activity;
- b. the offense was committed while the defendant was under the influence of extreme mental or emotional disturbance;
- c. the victim was a participant in the defendant's conduct;
- d. the defendant was an accomplice and his participation was relatively minor;
- e. the defendant acted under extreme duress or under the substantial domination of another person;
- f. the capacity of the defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of the law was substantially impaired;
- g. anything about the nature of the offense and character and background of the defendant that could be the basis of a sentence less than death;
- h. partial or total negation of any evidence offered by the State in support of any alleged aggravating circumstance;

29. All diagrams, sketches and photographs which have been made by or shown to any witnesses or prospective witnesses in this case, as well as the identity of each witness to whom this material was shown;

30. All records and reports relating to the defendant and codefendants, including, but not limited to:

- a. all juvenile, juvenile detention, juvenile social file, jail, prison, parole, probation and presentence investigation records;

will rely upon and any material or information within the possession or control of the State which the prosecution intends to use as evidence in any sentencing phase in this cause;

37. The names and addresses of persons whom the State intends to call in aggravation of punishment and/or in rebuttal of mitigation together with their written, recorded and oral statements;

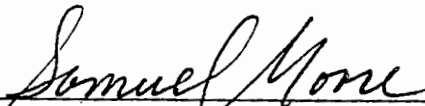
38. Any prior bad acts which the State intends to introduce as evidence in aggravation of punishment together with any evidence in support thereof, witness names and addresses with information pertaining to these prior bad acts, statements, notes, documents, memoranda and recordings of any witnesses and the defendant in connection with these prior bad acts, and any information in the possession of law enforcement or attainable by law enforcement pertaining to these prior bad acts;

39. Notice of any pending charges and/or deals made with any potential State's witnesses;

40. Notice of any victim impact evidence the State intends to introduce at trial in the sentencing phase of the case; the names and last known addresses of any victim impact witnesses the state intends to call; copies of notes, documents, memoranda and recordings pertaining to any victim impact evidence or testimony; copies of all photographs, videotapes or any other materials the state intends to introduce in the sentencing phase of trial;

41. Any and all other information which may be of use to the defense in the preparation and/or trial of this case.

Respectfully submitted,


Mo Bar No. 58526
Attorney for Defendant
100 S. Central 2nd Floor
Clayton, MO 63105
Phone: 314-615-4778
Fax: 314-615-0128

Certificate of Service

I certify that a true copy of the above and foregoing was personally served on all parties this 27 day of July, 2018




EXHIBIT #2
CONTINUED
NEXT

MAR 05 2017

JOAN M.

CIRCUIT CLERK ST.

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI
2ND JUDICIAL CIRCUITANDRE WILLIAMS SR.
MOVANT,

MARCH 2, 2012

VS.

CAUSE NO. 12SL-CC00216/
10SL-CR09241STATE OF MISSOURI
RESPONDENT.

DIVISION NO. #3

MOTION TO DISCLOSE EVIDENCE

COMES NOW MOVANT, MR. ANDRE WILLIAMS SR.;
WITH COUNSEL RESPECTFULLY MOVES THIS HONORABLE
COURT TO PRODUCE AS EVIDENCE (A PHOTO OF
MOVANT WITH WITNESS SIGNATURE ON BACK
OF MOVANT'S PHOTO) THAT WAS USED TO
CONVICT MOVANT IN SUCH SAID CAUSE. THIS
PHOTO OF MOVANT IS EVIDENCE AND WAS
SUPPRESSED BY PROSECUTOR GENTRY SMITH
IN EARLIER COURT PROCEEDINGS. THE DUE
PROCESS CLAUSE REQUIRES THAT THE PROSE-
CUTOR DISCLOSE TO THE DEFENSE ANY
EXCULPATORY EVIDENCE WHICH COMES TO HIS/HER

of 3)

COPYEXHIBIT
#2
CONTINUED
NEXT →

ATTENTION. BRADY V. MARYLAND, 373 U.S. 83, 87, 83 S. CT. 1194, 10 L. ED. 2d 215 (1963). IN BRADY, THE SUPREME COURT HELD "THAT THE SUPPRESSION BY THE PROSECUTION OF EVIDENCE FAVORABLE TO AN ACCUSED UPON REQUEST VIOLATES DUE PROCESS WHERE THE EVIDENCE IS MATERIAL EITHER TO GUILT OR TO PUNISHMENT, IRRESPECTIVE OF THE GOOD FAITH OR BAD FAITH OF THE PROSECUTION". AND THAT DUTY ENCOMPASSES IMPEACHMENT EVIDENCE AS WELL. AS MOVANT ENTERS HIS POST-CONVICTION STAGES, THE EVIDENCE REQUESTED IN THIS MOTION IS HEREBY NEEDED IN ORDER FOR MOVANT TO PREVAIL. SUCH CONTINUED SUPPRESSION OF THE REQUESTED EVIDENCE IS IN VIOLATION OF MOVANT'S CONSTITUTIONAL RIGHTS AND A VIOLATION UNDER BRADY V. MARYLAND.

RESPECTFULLY SUBMITTED,
Andre Williams Sr.

MOVANT

I, ANDRE WILLIAMIS SR. BEING FIRST DULY SWORN UNDER OATH AND UNDER THE PENALTY OF PERJURY, DEPOSES AND SAYS THAT I

of 3)

COPY

EXHIBIT
#2

HAVE SUBSCRIBED TO THE FOREGOING MOTION,
REQUESTING THAT SUPPRESSED EVIDENCE IN
EARLIER PROCEEDINGS BE DISCLOSED, THIS
EVIDENCE IS A PHOTO OF MOVANT WITH WIT-
NESS SIGNATURE ON BACK OF PHOTO THAT
CONVICTED MOVANT AND IS IN POSSESSION OF
PROSECUTOR GENTRY SMITH, THAT I KNOW OF
THE CONTENTS THERE OF; AND THAT THE
MATTERS THEREIN SET FORTH ARE TRUE.

#525828

Andre Williams Sr.

SIGNATURE OF MOVANT

NOTARY ONLY

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 29th DAY OF February 2012

Sandria Hutcherson
NOTARY PUBLIC

MY COMMISSION EXPIRES :



SANDRIA HUTCHESON
My Commission Expires
August 26, 2014
Mississippi County
Commission #10394283

of 3) Aug 26, 2014
MONTH DAY YEAR

COPY

COPY
FILED

Sunshine Law Top 10
The top 10 things you should know about your Sunshine Law
Sunshine Law Index
MAY 25 2012
JOAN M. GILMER
CIRCUIT CLERK, ST. LOUIS COUNTY

1. When in doubt, a meeting or record of a public body should be opened to the public.
2. The Sunshine Law applies to all records, regardless of what form they're kept in, and to all meetings, regardless of the manner in which they're held.
3. The Sunshine Law allows a public body to close meetings and records to the public in some limited circumstances, but it almost never requires a public body to do so.
4. A public body generally must give at least 24 hours' public notice before holding a meeting. If the meeting will be closed to the public, the notice must state the specific provision of the law that allows the meeting to be closed.
5. Each public body must have a written Sunshine Law policy and a custodian of records whose name is available to the public upon request.
6. The Sunshine Law requires a custodian of records to respond to a records request as soon as possible but no later than three business days after he or she receives it.
7. The Sunshine Law deals with whether a public body's records must be open to the public, but it generally does not state what records the body must keep or for how long. A body cannot, however, evade a records request by destroying records after it receives a request for those records.
8. The Sunshine Law requires a public body to grant access to open records it already has, but it does not require a public body to create new records in response to a request for information.
9. When responding to a request for copies of its records, a public body can charge only the actual cost of document search and duplication.
10. There are special laws and rules that govern access to law enforcement and judicial records.

Home | State homepage | Contact us | Statutes | FAQs | Hot Docs
Jobs | Consumer complaint form | Privacy policy
http://www.mo.gov/ops/ | Updated: 08/27/2012

EXHIBIT #2
CONTINUED
NEXT

*** THIS SINGLE PHOTO OF DEFENDANT WITH
WITNESS SIGNATURE ON BACK MAY BE
IN THE POSSESSION OF PROSECUTOR
CENTRY SMITH AND DEFENDANT REQUEST
THAT YOU OBTAIN A COPY OF THIS SINGLE
PHOTO WITH WITNESS SIGNATURE ON BACK
IN CASE # 10SL-CR09241-01 AND SEND
IT TO DEFENDANT AT ADDRESS ON THE
FOLLOWING PAGE DEFENDANT 18073

ANDRE WILLIAMS SR V. STATE OF MISSOURI
RELATE # CASE # 10SL-CR09241-01
THAT HAS A SIGNATURE ON BACK THAT
ME THE FOLLOWING: A PHOTO OF DEFENDANT
I REQUEST THAT YOU MAKE AVAILABLE TO
~~UNDER RULE 61.01 MISSOURI STATUTE~~
REVISED STATUTES OF MISSOURI, ALSO
THE MISSOURI SUNSHINE LAW, CHAPTER 610.
THIS IS A REQUEST FOR RECORDS UNDER

TO: ST LOUIS COUNTY CIRCUIT CLERKS OFFICE
JOAN M. GILMORE CIRCUIT CLERK
(MAY 10, 2012)

THE MISSOURI SUNSHINE LAW

COPY

I, ANDRE WILLIAMS SR. #525928 FIRST
DULY SWORN UNDER OATH AND UNDER
THE PENALTY OF PERJURY, DEPOSES AND
SAYS THAT I HAVE SUBSCRIBED TO THE
FOREGOING AFFIDAVIT, REQUESTING UNDER
THE SUNSHINE LAW TO ST. LOUIS COUNTY
CIRCUIT COURT CLERK JOAN M. GILMORE 073
THAT THE "SINGLE" PHOTO OF ME WITH

SEND TO: ANDRE WILLIAMS SR. #525928
SOUTHEAST CORRECTIONAL CENTER
300 EAST PEDD-SIMMONS DRIVE
CHARLESTON, MISSOURI, 63834

YOU CAN OBTAIN THE "SINGLE" PHOTO WITH
WITNESS SIGNATURE ON BACK IN (AGE#
108L-CR09241-01 FROM THE PROSECUTOR'S
OFFICE OR FROM PROSECUTOR GENTY SMITH

WILLING TO PAY FOR ANY COPYING OF THE
"SINGLE" PHOTO WITH WITNESS SIGNATURE
ON BACK. DEFENDANT REQUEST THAT THE
FRONT AND BACK OF PHOTO (SINGLE PHOTO)
BE COPIED OR AS IT WAS GIVEN TO YOU.

2 of 3

COPY

074

...COPY FOR ATTORNEY

...COPY FOR CIRCUIT COURT CLERK, ST. LOUIS COUNTY

MONTH DAY YEAR

26 10 2014

MY COMMISSION EXPIRES:

NOTARY PUBLIC

Sandra Hutcherson

SANDRA HUTCHERSON
My Commission Expires
August 26, 2014
Mississippi County
Commission #10394283



GIVEN AND SUBSCRIBED TO BEFORE ME
THIS 10th DAY OF May 2014

SIGNATURE OF PERSON MAKING THE
TESTIMONY UNDER THE SUNSHINE LAW

Charles William B.
#025828

A WITNESS SIGNATURE ON BACK IN PAGE #
1031-CR0924-1-01 THAT MAY BE IN THE
POSSESSION OF THE PROSECUTOR'S OFFICE
OR PROSECUTOR GENTRY SMITH BE COPIED
AND SENT TO ME, THAT I KNOW THE
CONTENTS THEREOF, AND THAT THE
MATTERS THEREIN SET FORTH ARE TRUE.

COPY
2013

Case: 4:14-cv-00412-SNLJ Doc. #: 42-1 Filed: 12/01/16 Page: 2 of 19 PageID #: 570

ANDRE WILLIAMS SR. #525828
SOUTHEAST CORRECTIONAL CENTER CAPE GIRARDEAU MO. 637
300 EAST PEDRO SIMMONS DRIVE
CHARLESTON MISSOURI 63834

23 MAY 2012 PM 4 T
RECEIVED



Correspondence is from an inmate in the custody of
the Missouri Department of Corrections. The Department
is not responsible for the content of this correspondence.
For information about the Department or to verify
information about the offender, please visit our website at
www.mdc.mo.gov

MAY 25 2012

JOAN M. GILMER
CIRCUIT CLERK ST. LOUIS COUNTY

LEGAL MAIL

ST. LOUIS COUNTY CIRCUIT COURT
7900 CARDINAL EFT AVE.
CLAYTON MISSOURI 63105
ATTN: CIRCUIT COURT CLERK
OFFICE

63105+1720

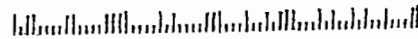


EXHIBIT #2

CONTINUED
NEXT

EXHIBIT #19
CONTINUED
NEXT →

COP 2

5-24-12 FILED

MAY 25 2012

JOAN M. GILM
CIRCUIT CLERK, ST. LOUIS

RE: CASE # 103L-CR09241-01
ANDRE WILLIAMS SR. V. STATE OF MISSOURI
RE: "SINGLE" PHOTO WITH WITNESS
(VICTORIA PLUMA) SIGNATURE ON BACK
OF PHOTO.... PLEASE CHECK ALL 6 PHOTO'S
IN FILE, ONLY ONE HAS SIGNATURE ON BACK
THAT SAYS (VICTORIA PLUMA)

DEAR CLERK OF COURT,

THIS IS A REQUEST
PURSUANT TO MISSOURI SUPREME COURT
OPERATING RULE #2... PLEASE CONDUCT
A SEARCH OF THE LEGAL FILE IN THE
ABOVE REFERENCED CASE #. THE
EVIDENCE REQUESTED AND ALSO LISTED
ABOVE IS A "SINGLE" PHOTO WITH WITNESS
(VICTORIA PLUMA) SIGNATURE ON BACK.
PLEASE CHECK ALL 6 PHOTO'S IN FILE,
ONLY ONE HAS WITNESS (VICTORIA PLUMA)
SIGNATURE ON BACK.... A FRONT + BACK
COPY OF PHOTO IS REQUESTED....

... COPY FOR ATTORNEY

... COPY FOR CIRCUIT COURT CLERK
OF ST. LOUIS COUNTY

Respectfully Submitted,
Andre Williams Sr.

EXHIBIT #2
CONTINUED
NEXT →

COPY
(2 of 2)

5-24-12

IF YOU FEEL FOR ANY REASON THAT
I AM NOT ENTITLED TO ALL OR SOME
OF THE REQUESTED MATERIAL, PLEASE
STATE YOUR REASON IN WRITING

Respectfully Submitted,
Andre Williams

COPY FOR ATTORNEY
COPY FOR CIRCUIT COURT CLERK
OF ST. LOUIS COUNTY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

AUDRE WILLIAMS SR.,
DEFT/NER, }
CASE NO: }

VS. }
4:14-CV-00412-SNJT/SPM }

IAN WALLACE,
RESPONDENT.

MOTION TO THE COURT REQUESTING
AN ORDER COMPELLING RESPONDENT
TO DISCLOSE "SINGLE PHOTO"

COMES NOW DEFTMANER, AUDRE WILLIAMS SR.,
DISE, AND MOVE THIS HONORABLE COURT
FOR AN ORDER DULSTANT TO FEDERAL AND
STATE RULES OF CRIMINAL PROCEDURE
COMPELLING RESPONDENT TO PRODUCE FOR
INSPECTION AND FRUIT/BAIL COPYING OF
THE FOLLOWING DOCUMENT(S):

1.)

ANY AND ALL PAPERS, DOCUMENTS,
PHOTOGRAPHS OR OBJECTS "SIGNED" OR
INITIALED" BY STATE WITNESSES

(1 of 4)

VICTORIA PLUMA, THAT IS IN THE POSSESSION OF THE STATE, RESPONDENT, ETC., WHICH WERE OBTAINED FROM THE STATE WITNESS MS. VICTORIA PLUMA.

2.)

THE "SINGLE PHOTO" THAT STATE WITNESS MS. VICTORIA PLUMA, SIGNED AND DATED THE BACK OF, AS THE DETECTIVES CLAIMED IN THE POLICE REPORT, WHICH IS THE "ONLY" EVIDENCE USED AGAINST PETITIONER, (A FRONT AND BACK COPY IS REQUESTED) - SEE EXHIBIT ATTACHED HERETO)

(THIS DISCLOSURE SHALL BE IN THE "ORIGINAL" FORM SETTING FORTH THE FACTS PERTAINING TO THE TIME, PLACE AND PERSON(S) MAKING THE SAME.)

THE PETITIONER HAS SUBMITTED A WRITTEN REQUEST FOR THE ABOVE STATED DOCUMENT(S), PURSUANT TO THE FEDERAL RULES OF CRIMINAL PROCEDURE
(2 of 4)

AND PURSUANT TO THE STATE RULES OF CRIMINAL PROCEDURE ON MARCH 31, 2014 AND JUNE 13, 2014 BUT HAVE NOT YET RECIEVE THE DOCUMENT(S) REQUESTED. (NOTE) BOTH WRITTEN REQUEST WERE FILED WITH THE COURT AS EXHIBITS

IN FACT, THE RESPONDENTS REFUSAL TO ANSWER PETITIONERS REQUEST AND ALSO PRODUCE THE DOCUMENTS HAS NO SUBSTANTIAL JUSTIFICATION.

WHEREFORE, FOR THE ABOVE STATED REASON AND THE REASON THAT PETITIONER NEED SAID DOCUMENTS, ETC., PETITIONER PRAYS THAT THIS HONORABLE COURT GRANT THIS INSTANT MOTION AND COMPEL THE RESPONDENT TO PRODUCE A FRONT AND BACK COPY OF THE REQUESTED DOCUMENTS, ETC.

RESPECTFULLY SUBMITTED,
Andre Williams Sr.

ANDRE WILLIAMS SR
#525828
SOUTHEAST CORRECTIONAL CENTER
300 E. PEDRO-SIMMONS DRIVE
CHARLESTON, MISSOURI, 63834

CERTIFICATE OF SERVICE

I, HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE FOREGOING WAS MAILED
PRE-PAID POSTAGE ON THIS 15TH DAY OF
JULY TO: STEPHEN D. HAWKE - ASSISTANT
ATTORNEY GENERAL (OR) AN ATTORNEY GENERAL
REPRESENTING RESPONDENT... PO BOX-899..
JEFFERSON CITY, MISSOURI, 65102

#525828
Andre Williams Sr.
PETITIONER / PRO'SE

ANDRE WILLIAMS SR.,
Petitioner,

VS.

IAN WALLACE,
Respondent.

Case No. 4:14-CV-00412-SNLJ/SPM

MOTION FOR DISCLOSURE TO PETITIONER

COMES NOW Petitioner, ANDRE WILLIAMS SR., Pro Se, and
pursuant to Federal Rules of Criminal Procedure, Rule 16 Discovery and
Inspection, hereby requests the following information from the Respondent
and/or State: FRONT AND BACK COPY REQUESTED

1. Any and all papers, documents, photographs or objects
signed or initialed by State Witness VICTORIA PLUMA, that is in the
possession of the State, etc., which were obtained from State Witness
VICTORIA PLUMA.

2. THE "SINGLE PHOTO" THAT STATE WITNESS
VICTORIA PLUMA SIGNED AND DATED THE
BACK OF AS DETECTIVES CLAIMED IN
POLICE REPORT WHICH IS THE "ONLY"
EVIDENCE USED (SEE ATTACHED DOCUMENT)

(1 of 3)

3. If there have been any photographs or electronic Surveillance (including wiretapping), relating to the offense with which the Petitioner is charged, of the State Witness VICTORIA PLUMA, or of conversations to which the State Witness VICTORIA PLUMA was a party or of her premises; this disclosure shall be in the original form setting forth the facts pertaining to the time, place and person(s) making the same.

4. The Petitioner requests that the Respondent and the Attorney for the Respondent use diligence and make a good faith effort to obtain any and all of the above items or information which may be in the possession or control of any other government personnel, under the authority of Rule 25.03(c); Rule 16; and Brady v. Maryland, 373 U.S. 83 (1963).

5. The Petitioner requests that the duty to disclose be made a continuing duty and that the Respondent and his Attorney (the Attorney General) furnish to the Petitioner such additional information as may come to its attention or within its possession or control hereafter including during this Habeas Corpus proceeding. Rule 16 and Rule 25.08, which are Federal and State rules.

Respectfully Submitted,
Andre' Williams Sr

Southeast Correctional Center

(3 of 3)

Pethonier / Pro Se

Andre Williams Sr.

The Pethonier hereby certifies that a copy of the foregoing Motion was mailed to the Attorney General's Office, P.O. Box 899, Jefferson City, Missouri 65102, and to the Clerk of the United States District Court, Eastern District of Missouri, 111 South 10th STREET, ST. LOUIS MO, 63102, on this 31ST day of MARCH, 2014, by pre paid first class postage.

CERTIFICATE OF SERVICE

300 East Pedro Simms Dr.
Charleston, Missouri 63934

EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ANDRE WILLIAMS SR.,
Petitioner,

VS.

Case No. 4:14-CV-00412-SNLJ/SPM

IAN WALLACE,
Respondent.

REQUEST FOR DISCLOSURE TO PETITIONER

COMES NOW Petitioner, ANDRE WILLIAMS SR., Pro Se, and pursuant to Federal Rules of Criminal Procedure, Rule 16 Discovery and Inspection, hereby requests the following information from the Respondent and/or State: FRONT AND BACK COPY REQUESTED

1. Any and all papers, documents, photographs or objects signed or initialed by State Witness VICTORIA PLUMA, that is in the possession of the State, etc., which were obtained from State Witness VICTORIA PLUMA

2. THE "SINGLE PHOTO" THAT STATE WITNESS VICTORIA PLUMA SIGNED AND DATED THE BACK OF AS DETECTIVES CLAIMED IN POLICE REPORT WHICH IS THE "ONLY" EVIDENCE USED (SEE ATTACHED DOCUMENT)
(1 of 3)

3. If there have been any photographs or electronic surveillance (including wiretapping), relating to the offense with which the Petitioner is charged, of the State Witness VICTORIA PLUM, or of conversations to which the State Witness VICTORIA PLUM was a party or of her premises; this disclosure shall be in the original form setting forth the facts pertaining to the time, place and person(s) making the same.

4. The Petitioner requests that the Respondent and the Attorney for the Respondent use diligence and make a good faith effort to obtain any and all of the above items or information which may be in the possession or control of any other government personnel, under the authority of Rule 25.03(c); Rule 16; and Brady v. Maryland, 373 U.S. 83 (1963).

5. The Petitioner requests that the duty to disclose be made a continuing duty and that the Respondent and his attorney (the Attorney General) furnish to the Petitioner such additional information as may come to its attention or within its possession or control hereafter including during this Habeas Corpus proceeding. Rule 16 and Rule 5.08, which are Federal and State rules.

Respectfully Submitted,
Anche Williams Sr

Southwest Correctional Center

300 East Pedro Simmons Dr.
Charleston, Missouri 63834

CERTIFICATE OF SERVICE

The Petitioner hereby certifies that a copy of the foregoing Motion was mailed to the Attorney General's Office, P.O. Box 899, Jefferson City, Missouri 65102, and to the Clerk of the United States District Court, Eastern District of Missouri, 111 SOUTH 10TH STREET

ST. LOUIS MO, 63102 (AS AN EXHIBIT ONLY), on this 31ST day of MARCH, 2014, by pre paid first class postage.

Andre Williams Sr.

Petitioner / Pro Se

Photo # 6

Tracking #23338106

The photos were printed out as 3 1/2" X 5" photos and cut into individual photos so that they can be placed in random order for viewing. Refer to the department Photo Lineup Worksheet for additional information as to the presentation of photos.

On Saturday, 01/09/2009 PO Zeus Hernandez, DSN 255 responded to Hardee's 17368 Chesterfield Airport Rd where he met with Victoria Pluma.

Pluma works in the kitchen at Hardee's and walked into the restaurant as the suspect was robbing the store. She also observed the same person walking around on the parking lot of the restaurant just prior to the robbery.

Pluma only speaks Spanish and Officer Hernandez speaks English and Spanish fluently. Officer Hernandez explained the photo lineup process to Pluma. Refer to the department witness preparation form for additional information. Officer Hernandez showed Pluma each photo individually and one at a time. After viewing the photos, Pluma identified photo # 4 (Andre Williams) as the person she saw on the parking lot just prior to the robbery. This is also the same person she saw in the restaurant at the time of the robbery wearing the ski mask. Both people were wearing the exact same clothing. Officer Hernandez had Pluma sign and date the back of photo # 4 indicating her identification of the photo.

Cigarette butts and a liquor can seized nearby the Hardee's where a suspect could have waited and watched for employees to arrive, had been previously seized as evidence. These items were sent to the St Louis County Police crime laboratory for testing along with the suspect information on Williams and Leachman. I also learned that Williams was currently in custody at the St Louis Criminal Justice Center on Tucker Blvd and that Leachman was in custody at the St Louis City Work House on Hall St.

This investigation is continuing.

(CHESTERFIELD POLICE DEPARTMENT
CUSTODIAN OF RECORDS

To:

RE: PURSUIT TO MISSOURI SUNDRIE LAW,
CHAPTER 610, REVISED STATUTE OF MISSOURI;
REQUEST FOR FRONT AND BACK COPY OF
SINGLE PHOTO(S) WITH WITNESS SIGNATURE
ON BACK OF PHOTO, PERTAINING TO COMPLAINT
NO. # 9-5561 AND CASE NO. # 10SL-CR09241
(SEE EXHIBITS # 1, # 2 AND 3 ATTACHED)

DEAR CUSTODIAN OF RECORDS,

I AM THE DEFENDANT IN THE ABOVE MENTIONED
COMPLAINT NO # 9-5561 AND CASE NO # 10SL-CR09241
...CHESTERFIELD POLICE DEPARTMENT DETECTIVES
STATE IN POLICE REPORT THAT "PHOTOS WERE
PRINTED OUT AND CUT INTO INDIVIDUAL PHOTOS
AND THAT PHOTOS WERE SHOWN TO WITNESS
INDIVIDUALLY AND ONE AT A TIME, AFTER
REVIEWING PHOTOS, WITNESS IDENTIFIED PHOTO
4 (ANDRE WILLIAMS)... OFFICER HAD WITNESS
SIGN AND DATE THE BACK OF PHOTO # 4 INDICATING
HE IDENTIFICATION OF THE PHOTO (SEE EXHIBIT # 2
ATTACHED)... PROSECUTOR'S OFFICE STATES THAT THERE
IS NO SUCH PHOTO IN THEIR RECORD (SEE EXHIBIT # 3
ATTACHED HERE-TO)

I AM REQUESTING A "FRONT AND BACK COPY" OF
THIS "SINGLE PHOTO WITH WITNESS SIGNATURE ON
THE BACK" PERTAINING TO COMPLAINT # 9-5561 PURSUANT
TO

TO SUNSHINE LAW, CHAPTER 610 REVISED
STATUTE OF MISSOURI... PLEASE INFORM
ME IN ADVANCE OF ANY COPY FEES
THAT WILL EXCEED \$5⁰⁰. IF THERE
IS "NO SINGLE PHOTO WITH WITNESS
SIGNATURE ON BACK", I WOULD LIKE
TO BE INFORMED AS WELL... IN RESPECT
TO ALL LAWS GOVERNING ACCESS TO **POLICE /**
ATTORNEY RECORDS, I HEREBY INVOKE
ALL AFFORDED TO ME... ADDITIONALLY,
THE SUNSHINE LAW REQUIRES A RESPONSE
TO BE GIVEN AS SOON AS POSSIBLE BUT NO
LATER THAN THREE (3) WORKING DAYS "AFTER"
RECIPT OF THE REQUEST....

{ THE DOCUMENT I REQUEST IS AN OPEN
RECORD AND DISCLOSURE IS REQUIRED
BY LAW.... }

* MISSOURI SUNSHINE LAW, MO. REV. STAT
§ 610.027(3) (SUPP 2013) STATES "THAT A
PENALTY SHALL BE IMPOSED AND ATTORNEY
FEE'S AND COST MAY BE ASSESSED UPON
FINDING THAT A PUBLIC GOVERNMENTAL BODY
OR A MEMBER OF A GOVERNMENTAL BODY
HAS KNOWINGLY VIOLATED MO. REV. STAT. 610.010 -
610.027 (SUPP. 2013)

AGAIN, AS STATED ABOVE AND ALSO SHOWN
IN THE EXHIBITS ATTACHED HERE-TO, I
"ONLY" REQUEST THE DOCUMENTATION
MENTIONED ABOVE AND AS FOLLOWS IN

COMPLAINT NUMBER # 9-5561 AND
CASE NUMBER # 10SL-CR09241 :

* SINGLE PHOTO WITH WITNESS SIGNATURE
AND DATE ON BACK OF PHOTO (SEE
EXHIBIT'S #1 AND #2 ATTACHED HERE-TO)

** A FRONT AND BACK COPY IS REQUESTED

Respectfully Submitted,

Andre Williams Sr.
#525828

Southeast Correctional Center
300 East Pedro-Simmons Drive
Charleston, MO, 63834

DEFENDANT, ANDRE WILLIAMS SR. BEING FIRST
DULY SWORN, DEPOSES AND SAYS THAT I HAVE
REQUEST THE FORGOING DOCUMENTS FROM THE
CHESTERFIELD POLICE DEPARTMENT CUSTODIAN
OF RECORDS IN THE COMPLAINT AND CASE # ABOVE;
THAT I KNOW THE CONTENTS THERE-OF THAT
INCLUDES EXHIBIT'S ATTACHED HERE-TO AND THAT
THE MATTERS THERE IN SET FORTH ARE TRUE UNDER
OATH AND UNDER THE PENALTY OF PERJURY

8-14-2017

DATE

Andre Williams Sr.

SIGNATURE

NOTARY ONLY

(3 OF 4)

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 14th DAY OF August, 2017

Dorothy J. Wright
NOTARY PUBLIC

MY COMMISSION EXPIRES :



DOROTHY J. WRIGHT
My Commission Expires
April 22, 2021
Dunklin County
Commission #13700026

April
MONTH

22,
DAY

2021
YEAR

EXHIBIT #12=====➡

No. 16-3155

IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

Andre Williams, Sr.
Appellant

v.

Ian Wallace
Appellee

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
HONORABLE CAROL E. JACKSON
(No. 4:14-CV-411 (CEJ))

APPENDIX OF APPELLANT

Christopher S. Swiecicki
Swiecicki & Muskett, LLC
17295 Chesterfield Airport Road
Chesterfield, MO, 63005
Telephone: (636) 530-3608
Facsimile: (636) 530-0596
Cell: (314) 341-5796
Chris@SwiecickiLaw.com
Attorney for Appellant

1-4-2010

Karilyn,

ST. LOUIS COUNTY POLICE CRIME LABORATORY - BIOLOGY UNIT

That guy came back again today. About complaint number 83-09-3694. It's the same officer I told you that he gave Carl "another" black skull cap. From the one that was submitted. Something is really going on with this guy, and complaint number 83-09-3694. And I figure they want this guy pretty bad for this. Because the seal was broken on the swabs, and he screamed at me because I wouldn't take it. So he gave one of the swabs to Carl. To replace the other swabs that are in the freezer. I need to report this to Lisa or Alen and that's why I'm writing you this instead of email. I told that officer, the guy wasn't a match in CODIS. So he wants the file and said he'll be back. Maybe they have other evidence on this guy, but his profile did not match anything in complaint number 83-09-3694. This officer is pretty scary and I did not sign up for this, and I will not falsify backlog data to help this officer. He said he would contact you. There was no need to enter evidence in CODIS or do benchmark. But I'll enter evidence in CODIS later. I'll beat my station, so stop by and let me know what to do about this officer. Because it's pretty clear to me that he wants or is framing this guy for a DNA match, or possibly. And I am reluctant to help him do that, so you handle this guy, and complaint number 83-09-3694 is yours.

J. W. / W

Petitioner's Newly Discovered Evidence (Exhibit-9)

St. Louis County Police Crime Laboratory
DNA UNIT

1-12-10

Karllyn,

Thanks for the call. Now I understand better. I reviewed
your mapper and you're gonna have to change the
numbers in the mapper manually. Because the
numbers aren't matching up at all. So look at page
1 of 3 on the genome mapper calculations. You still haven't
told me what the hell this guy did? You back dated the
audio documents for the 8th of December but I'm still
kind of screwed. Because I still don't have the results
from that day. Did your guy bring the files back yet? I
hope your guy understands that we can't make the guy
a martyr? But I'll certainly will make the guy not to
be excluded, and let your guy know he has to get that
National Ombuds in his guy. In order for this to work.
If he want this guy to be a major in possible contributor.
Maybe he can get another agency to get work? Do
not forget to put the right date in the mapper. So
let the guy know, and please don't forget the complaint
number 83-09-3694 is DNA Case #09-0260. Because I
can't redo all that paperwork again. Well I'm headed off
to talk to Lia. You see me back for this time! See you
then.

WJW

NOTE: I didn't forget that time...

William Edwards, Jr.

WJW

St. Louis County Police Crime Laboratory
DNA UNIT

4-7-10

Alan,

I talked to Detective Walker today. He has a second agency who will get swabs from the guy. Don't worry, I already destroyed the evidence swabs when Walker gave me the guys swabs a few months ago. I placed them in freezer #9, in place of the other ones. Karlyn said, she talked to the prosecutor, and the guys legal advisor. The guys legal advisor assured her she will definitely get the guy to plea, and the legal advisor will not ask for the results or our notes. (Even though there weren't any) Karlyn or Kelly changed the numbers on the G-mapper, so that's done. The guys numbers match "now". I just need those swabs from the second agency in order for this to work. I'll cross-reference both DNA cases to match. You can do the benchwork, or Kelly can do it. Either way, it has to be done. Lisa knows what's going on. She says the guy is a scumbag, and deserves everything he got coming. Lisa did the swabs on the skull-cap Detective Walker submitted in January. I think it came straight off the guys head. Well, he's definitely a match now, so who cares. Like his legal advisor said, "The guys trash" and she knows him, when the guys wife and her worked in the City P.D.'s office. I'll call Detective Walker to see when the second agency is available to get swabs as well. The evidence submitted is complaint number 01-09-5561 (DNA case # 10-D134) was not a match to the guys in bedis. But I'm going to say the guy was a match in order to get the swabs and DNA case # 09-0260 closed.

iW off u

Pethon's Newly Discovered Evidence (Exhibit-15)

Appellant's Appendix 127

10/11/11

Kelly,
I'm gonna enter the group's assets into coding the
data from the state cap that was in the group.
This degraded and contaminated, when taken out of the
them. So I had to improve, to get a hit in (what
in the guy. I used the group's own assets to
while get a second copy to get out of the group.
I need your help on this one, because I have no
results report for 09-02-00. Which was considered a
failure in action. Also will have the handwritten
I'll use these notes that you enter in (what) the
notes to produce results in my case. I will not
ask this if you agree. The procedure and the group
from removed get this guy in (what) and I have to cover
myself. On the way to a gift. I'm gonna cover myself
even both cases which shall notify Allen and
Allen. Don't worry... all the documents were
data correctly. I just need some kind of results

5-17-11

St. Louis County Police Crime Laboratory
DNA UNIT

Alan,

I finally had the chance to enter the evidence from those swabs that Lisa took from the other skull-cap, into Codis today. The results are accurate but, when did Lisa and Kelly backdate the Codis document for December 8, 2009? There will be no way to verify any report or results from that day. It's so weird of them to do that. We do have to thank Walker for getting that second agency to get swabs from the scumbag. But I heard the guy plead guilty anyway. What an asshole! I guess Karlyn can close out 09-P260 and inform Walker. Did Walker destroy the consent form from that scumbag?... giving them those buccal samples? Because this could come back to bite our ass Alan. If this stuff is ever retested, and it's not a matter. Because of Karlyn and Lisa using that gump own samples to compare against the sample from that second agency. Well, ... you're the boss and you get paid the big bucks huh? See ya at the meeting tonight at "Backs", drinks on you! I'll be joining Lisa & Karlyn there to watch the game.

1 Waff W

ST. LOUIS COUNTY POLICE CRIME LABORATORY BIOLOGY UNIT

Petitioner's Newly Discovered Evidence (Exhibit-16)

Petitioner's Newly Discovered Evidence (Exhibit-16)

Pettitioner's Newly Discovered Evidence (Exhibit-17)

[Handwritten signature]


Don't you worry about Allen, I saw
 that for he ain't here yesterday. But I
 don't understand why he would tell you
 to make a supplemental report and when
 you do, he gets angry? I heard him and
 Allen discussing you, during a cross-examine on
 09-2260. Which doesn't make any sense at all.
 Since you have the report from yesterday, Allen
 can be such a piece at times, but just do as he
 asked and don't make the report to 09-2260 on
 7-7-11. The guy wasn't a match from what I
 saw in your report. Do with Allen and I saw
 figure out what they want to do with 09-2260.
 you just hold off releasing that report. This is just
 a rumor but, I heard Mr. Miller make some
 was changed, don't that change? I to just
 a rumor I said. But with Allen and I saw
 you never know just keep copies of everything
 just in case. Because the way things are going on
 here lately, it covers your ass. And Allen can
 see how, so long as you're keeping them as a rumor -
 let that!



ST. LOUIS COUNTY POLICE

Colonel Timothy E. Fitch
Chief of Police
7900 Forsyth Boulevard
St. Louis, Missouri 63105
Voice/TTY (314) 889-2341

Mr. Williams Sr.,

Enclosed are the original testing results for D.N.A. case # 10-D134, that you requested in your letter. I know I could lose my job for this information, but it is certainly wrong, and disrespectful to me to be asked to doctor results, meaning type falsified information in results, as I was requested to do by one of my supervisors to justify a crime. As in your case, and others also. This has been going on in this office, since I got here. And I refuse to participate in this type of behavior. They will have to find someone else to do it. But before they do, here are the original test results. I pray it helps you. I suggest you notify your attorney. Inform him of what's going on, in this office. I urge you to have copies of these documents. Put them in a safe place. I could not put this in the computer, because it would have been traced on the hard drive. The date June 24th is falsified and its not the original date these items were received 1/20/10 was
 God Bless.

"Committed To Our Citizens Through Neighborhood Policing"

EXHIBIT #13=====➡

(Petitioner's Exhibit - 26) (Continued)

TOWN AND COUNTRY POLICE DEPARTMENT
CONSENT TO TAKE SAMPLES

Place ST. LOUIS CITY POLICE DEPT.

Date 12/31/69

Time 12:25 HRS.

I, ANDRE WALDANS B/M 12/24/69, hereby consent and agree that an officer(s) for the TOWN AND COUNTRY POLICE DEPARTMENT, a law enforcement agency, may take a sample(s) of my

Blood _____ Initials _____

Urine _____ Initials _____

Buccal Sample A.W. Initials _____

Head Hairs _____ Initials _____

Pubic Hairs _____ Initials _____

Other _____ Initials _____

This consent is given freely and voluntarily. I have not been threatened and no promises been made to me to obtain my consent. This testing may be used for comparison testing and in court.

Signature Andre Waldans

Address 4208 F/LA

City, State ST. LOUIS, MO

Date of Birth 12-24-69

Sample Taken by: Det. [Signature]

Witness: Det. [Signature]

(Petitioner's Exhibit - 26) (Continued)

EXHIBIT #14=====➡

FILED

JUN 14 2012

JOAN M. GILMER

CIRCUIT CLERK, ST. LOUIS COUNTY

AUGUST 8, 2011

Plea and Sentence

(The cause was called for hearing on the eighth day of August, 2011, before the Honorable Mark D. Seigel, Judge of Division Number 3 of the Circuit Court of the County of St. Louis, State of Missouri.

Mr. Gentry Smith, Assistant Prosecuting Attorney, appeared on behalf of the State.

The defendant was present in person and represented by Mr. Sam Moore, Assistant Public Defender.

The following proceedings were had in open court:)

THE COURT: State of Missouri versus Andre Williams, Cause Number 10SL-CR089241. Let the record reflect the State is represented by Assistant Prosecuting Attorney Mr. Gentry Smith, the defendant is present and represented by his attorney, Mr. Sam Moore.

Mr. Moore, do you have an announcement to make in this matter.

MR. MOORE: I do, Your Honor. My client at this point would like to withdraw any previous pleas of not guilty and enter a plea of guilty as charged. And that is pursuant to a recommendation/negotiation with the State of Missouri.

FILED

SEP 05 2012

JOAN M. GILMER
CIRCUIT CLERK, ST. LOUIS COUN

IN THE
CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

ANDRE WILLIAMS, SR.,

Movant,

v.

STATE OF MISSOURI,

Respondent.

Cause No. 12SL-CC00216

Hon. Mark D. Seigel

Div. 3

**REQUEST FOR THE COURT TO ORDER THE STATE TO DISCLOSE LINEUP
PHOTOGRAPHS FROM THE UNDERLYING CRIMINAL CAUSE**

Mr. Williams, movant, respectfully requests this Court order the St. Louis County Prosecuting Attorney's Office to disclose to undersigned counsel any photographic arrays showing Ms. Victoria Pluma from the underlying criminal cause, St. Louis County Cause No. 10SL-CR089241-01. To explain this request, Mr. Williams states

1. Mr. Williams was charged with first-degree robbery in St. Louis County Cause No. 10SL-CR089241-01. The state accused him of forcibly stealing money from Hardee's and displaying what appeared to be a deadly weapon;

2. The state provided discovery to Mr. Williams' plea counsel. That discovery included a color copy of a photographic lineup array. See Exhibit 1, attached. The sheet did not contain any signatures, front or back;

3. According to police reports also provided to plea counsel, a Hardees employee, Ms. Victoria Pluma, was shown a photographic lineup. It contained Mr. Williams' photograph. After looking at the lineup, Ms. Pluma identified Mr. Williams as the robber and *signed and dated the back of Mr. Williams' photograph.* Ms. Pluma also signed a

Respondent's Exhibit H
Williams v. Wallace
Case No. 4:14-CV-0412-SNLJ